

REMARKS

Claims 1-6, 8, 9 and 22-38 are pending. The specification and claims 1-3 and 29 are amended.

The title of the invention was again objected to as not being descriptive of the claimed invention. However, the title had been amended in the prior response. The present Office Action does not set forth any additional comments as to why the amended title is not considered descriptive. As such, it appears that the Examiner may have overlooked that the title had been amended to reflect the claimed invention.

Claims 1-6, 8 and 9 were rejected under 35 USC §112, first paragraph. The Examiner argues that the term "convex" is defined as curved or rounded. Favorable reconsideration of this rejection is earnestly solicited in view of the above amendment of claim 1.

Although an applicant is permitted to be his own lexicographer, claim 1 has been amended to specify outwardly protruding. As noted on page 18 of the specification, by forming the side surface 12b in an outwardly protruding shape, it is intended that the side surface in the shape represented by the line t1 or the line t5 in Fig. 8 can be avoided. If etching is normally performed, the side surface in the shape represented by the line t1 is apt to be produced.

Upon applicants review, the disclosure indicated that line t4 was an example of an outwardly protruding shape at page 18, lines 9 and 22. However, since line t4 appears straight in Fig. 8, amendment of the specification is proposed to remove line t4 as an example of an outwardly protruding shape.

Claims 22-25 and 27-30 were rejected under 35 USC §103(a) as being unpatentable over

Zhang et al. in view of Noumi et al., "Applicants' Admitted Prior Art" and Ghandhi. This rejection is respectfully traversed.

Page 26, lines 28-30 of the specification, is not admitted prior art. An Examiner cannot rely upon applicants' own disclosure of the invention as an admission of prior art. The description at page 26, lines 28-30 relates to the applicants' own invention. It is therefore not an admission of prior art. Thus, for at least this reason, the Examiner should withdraw the present rejection.

The Examiner also admits that the primary reference of Zhang et al. and the "Admitted Prior Art" do not disclose removing the first oxide by washing the substrate. Ghandhi is applied by the Examiner for its disclosure that wafers must be cleaned after each processing step in order to avoid operator error. Apparently, it is the Examiner's position that one of ordinary skill in the art would have been motivated to wash the device of Zhang et al. and remove the first oxide layer. However, although Ghandhi may teach washing after every single processing step, this disclosure would not have motivated one of ordinary skill in the art to remove an oxide layer.

Claims 31-36 were rejected under 35 USC §103(a) as being unpatentable over Zhang et al. in view of Noumi et al. The Examiner had made the same rejection in the prior response. In response to applicants prior arguments with respect to this rejection, the Examiner argues that Noumi et al. specifically discloses that the coating relating to the film formed on the top surface can be improved by forming the etched end surface of the Al film in a tapered profile. This rejection is respectfully traversed.

In making the statement, the Examiner has ignored the rest of the sentence of Noumi et al., which completely changes the context of the meaning of the sentence. The sentence of Noumi et al. continues by stating “by investigating the composition of phosphoric acid, acetic acid, and nitric acid in advance.” Thus, Noumi et al. clearly teaches that the coatability is not improved by a tapered profile, but by investigating the composition of phosphoric acid, acetic acid, and nitric acid. This meaning is further clarified in Noumi et al.’s use of the term “the” in the phrase “the tapered profile” as opposed to referring to a tapered profile.

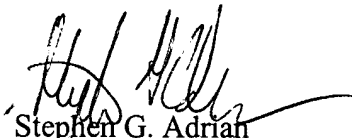
For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by Applicants would be desirable to place the application in better condition for allowance, the Examiner is encouraged to telephone Applicants’ undersigned attorney.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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